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INFO AMCONSUL LAHORE PRIORITY
AMCONSUL PESHAWAR
AMCONSUL KARACHI
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SUBJECT: SHARIA--WHERE DID IT GO?

11. LOU- ENTIRE TEXT

12. ONE MONTH AGO, THE LEADING TOPIC OF POLITICAL DISCUSSION IN MUCH OF PAKISTAN WAS THE PRIME MINISTER'S SHARIA BILL, OSTENSIBLY MEANT TO "ISLAMIZE" PAKISTANI LAWS, GOVERNMENT, AND SOCIETY. DEBATE RAGED IN THE PRESS BETWEEN CRITICS FROM THE RELIGIOUS RIGHT, WHO ARGUED THAT THE BILL WAS TOO WEAK, AND LIBERALS WHO PREDICTED IT WOULD--AT A MINIMUM--INFRINGE ON THE RIGHTS OF WOMEN AND MINORITIES. DAILY EDITORIALS, COLUMNS, AND INTERVIEWS HIGHLIGHTED THE POSITIONS OF COMPETING POLITICAL PARTIES AND LEADERS. THE BILL'S INTRODUCTION INTO THE NATIONAL ASSEMBLY ON MAY 12 THREATENED TO CREATE A NEW POLITICAL LINE-UP, WITH THE SECULAR PDA, ANP, AND MQM ALLIED WITH THE ISLAMIST PARTIES AGAINST THE BILL.

13. IN CONTRAST TO POPULAR EXPECTATIONS, HOWEVER, THE GENERAL PREOCCUPATION WITH SHARIA DISAPPEARED ALMOST OVERNIGHT AFTER ITS MAY 16 PASSAGE BY THE NATIONAL ASSEMBLY. SHARIA'S PASSAGE BY THE SENATE ON MAY 28 DREW LITTLE NOTICE--THE SENATE MADE NO CHANGES, ESSENTIALLY RUBBER-STAMPING THE NATIONAL ASSEMBLY'S DECISION. AT THE TIME, BOTH THE PRESS AND MEMBERS OF NAWAZ'S IJI COALITION PREDICTED PRESIDENT GHULAM ISHAQ KHAN WOULD SIGN THE BILL INTO LAW WITHIN TWO OR THREE DAYS. THREE WEEKS LATER, HOWEVER, SHARIA HAS LARGELY DISAPPEARED FROM PUBLIC DISCUSSION. A SURVEY OF PAKISTAN'S LEADING DAILIES FOUND NO MENTION EITHER OF PRESIDENT GHULAM ISHAQ KHAN'S UNEXPLAINED DELAY IN SIGNING IT, OR OF HIS FINALLY SIGNING SHARIA INTO LAW ON JUNE 14. A TRUE NON-EVENT.

14. WE BELIEVE MOST OF THIS SUDDEN DECLINE OF INTEREST IS DUE TO NAWAZ'S SUCCESS IN CREATING AN ACT THAT IS LONG ON RHETORIC BUT BRINGS NO IMMEDIATE CHANGE TO PAKISTANIS' DAILY LIVES. WHILE THERE WAS STILL THE POTENTIAL FOR LANGUAGE THAT COULD--FOR BETTER OR WORSE--AFFECT PAKISTANI'S LIVING CONDITIONS, THE ACT WAS OF INTENSE INTEREST. MANY LIBERALS, WOMEN AND MINORITY REPRESENTATIVES REMAIN LEARY OF THE SHARIA LEGISLATION--CITING, FOR EXAMPLE, ABUSES OF THE HADOOD (ISLAMIC PUNISHMENT) ORDINANCES UNDER GENERAL ZIA AS AN EXAMPLE OF HOW RELIGIOUSLY-MOTIVATED LEGISLATION CAN BE TWISTED TO FIT POLITICAL OBJECTIVES. EVEN THEY, HOWEVER, HAVE ADMITTED TO US THAT THE TEXT OF THE ACT ITSELF IS LESS AN ISSUE THAN THE DEPARTURES THIS OR A FUTURE REGIME MIGHT TAKE FROM THE LETTER OF THE LAW. (THE PUNATIVE ARTICLES OF THE HADOOD ORDINANCE, FOR EXAMPLE, HAVE GENERALLY BEEN ENFORCED WHILE ACCOMPANYING PROTECTIONS GIVEN WOMEN HAVE OFTEN

FALLEN BY THE WAYSIDE.) CRITICS SUCH AS THE PDA'S AITZAZ AHSAN ARE, IN FACT, MORE CRITICAL OF THE BILL'S VAGUENESS--ALLOWING NEW INTERPRETATIONS "AT WILL"--THAN OF ANY MANDATE ACTUALLY INCLUDED IN THE ACT.

15. THE AMENDMENTS INSERTED INTO THE ACT DURING THE NATIONAL ASSEMBLY DEBATE HAVE HELPED DEFUSE THE ISSUE FOR MOST PAKISTANIS. THE ASSEMBLY UNANIMOUSLY APPROVED AN AMENDMENT, JOINTLY PROPOSED BY FIVE MINORITY REPRESENTATIVES, STATING THAT "NOTHING CONTAINED HEREUNDER SHALL AFFECT THE RIGHTS OF THE NON-MUSLIMS GUARANTEED BY OR UNDER THE CONSTITUTION." SIMILARLY, NAWAZ READILY AGREED TO AN AMENDMENT STATING "THE RIGHTS OF WOMEN AS GUARANTEED BY THE CONSTITUTION SHALL NOT BE AFFECTED (BY SHARIA)." A THIRD AMENDMENT, PROPOSED BY THE SECULAR ANP AS THE PRICE OF THEIR SUPPORT, STATES THAT "NOTHING CONTAINED HERE SHALL AFFECT PAKISTAN'S EXISTING PARLIAMENTARY SYSTEM." THE INITIAL THREE-YEAR DEADLINE FOR THE ABOLITION OF INTEREST WAS REPLACING IT WITH THE VAGUE "SHORTEST POSSIBLE TIME." ANOTHER AMENDMENT, DEFINING THE QURAN AND SUNNAH AS THE SOURCE OF PAKISTANI LAW--RATHER THAN THE SUM TOTAL OF LAW, IN AND OF ITSELF--ESSENTIALLY BLOCKS ATTEMPTS TO CHALLENGE THE CONSTITUTION OR LEGISLATING WITH CITATIONS DIRECTLY FROM THE QURAN.

16. COMMENT: MANY OF THE ISSUES RAISED DURING THE WEEKS BETWEEN NAWAZ'S PROPOSAL OF SHARIA AND ITS PASSAGE BY PARLIAMENT WILL REMAIN HIGH ON PAKISTAN'S SOCIAL AND POLITICAL AGENDA FOR YEARS TO COME. IN FACT, THE BILL WAS ADVERTISED AS ONLY BEING A BROAD COMMITMENT TO AN ISLAMIC AGENDA THAT MUST LATER BE FLESHED OUT BY SPECIFIC LEGISLATION DRAFTED TO CONFORM TO THE PROVISIONS OF THIS BASIC LAW. WIDE DIFFERENCES REMAIN WITHIN PAKISTANI SOCIETY OVER THE PROPER ROLE OF RELIGION IN GOVERNMENT, POLITICS AND SOCIETY, WITH A SMALL BUT VOCAL RELIGIOUS RIGHT STILL DETERMINED TO DICTATE ITS VIEWS TO SOCIETY AT LARGE. SIMILARLY, A COALITION OF WOMEN'S, MINORITY, AND HUMAN RIGHTS GROUPS REMAIN HIGHLY CRITICAL OF THE ACT. WHILE THEY TELL US THEY RECOGNIZE THE SHARIA ACT IS A FAIT ACOMPLI, THEY ARE MOBILIZING AGAINST FUTURE SHARIA-RELATED LEGISLATION. THEREFORE, WHILE THE SHARIA ACT PASSED BY THE PAKISTANI PARLIAMENT IN MAY 1991 DOES NOT, IN THE END, REPRESENT THE TYPE OF ATTACK ON CIVIL LIBERTIES MANY IN PAKISTAN AND ELSEWHERE FEARED, THE CONCERN OVER THE IMPACT OF ANY FUTURE LEGISLATION WILL REMAIN.

JONES